

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JACOB LOUGHLIN,)
Plaintiff,)
v.) Civil Action No. 3:14CV15-HEH
ABDUL JAMALUDEEN,)
Defendant.)

MEMORANDUM OPINION
(Dismissing Action Without Prejudice for Failure to Serve Defendant)

Jacob Loughlin, a Virginia inmate proceeding *pro se* and *in forma pauperis* filed this civil rights action. The matter is before the Court on Loughlin's failure to serve Defendant Jamaludeen within the time required by Rule 4(m)¹ of the Federal Rules of Civil Procedure.

Pursuant to Federal Rule of Civil Procedure 4(m), Loughlin had one hundred-twenty (120) days from the filing of the complaint to serve Defendant Jamaludeen. With respect to Loughlin's case, that period commenced on September 22, 2014.²

¹ Rule 4(m) provides:

If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1).

Fed. R. Civ. P. 4(m).

² The Court considers the complaint “filed” on the date it concludes statutory screening under the Prison Litigation Reform Act. *See Ford v. Johnson*, 362 F.3d 395, 398 (7th Cir. 2004).

By Memorandum Order entered on January 13, 2015, the Court directed Loughlin to show good cause for his failure to serve Defendant Jamaludeen within the time required by Rule 4(m). Loughlin has not responded. Accordingly, the action will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion.



/s/
Henry E. Hudson
United States District Judge

Date: Feb. 12, 2015
Richmond, Virginia